

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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MICHAEL AMARAL,

Plaintiff,

v.

CIVIL ACTION NO.:04-11778 GAO

PENN MARITIME, INC.,

Defendant.

-----X

AFFIDAVIT OF GINO A. ZONGHETTI

Gino A. Zonghetti, being duly sworn, deposes and says:

1. I represent defendant Penn Maritime, Inc. in the above action, having been admitted pro hac vice by the Court.

2. Defendant Penn Maritime, Inc. has moved for an order granting it permission to access plaintiff's Criminal Offender Records Information (CORI). This law suit involves plaintiff's claims under the general maritime law of the United States and the Jones Act, 46 U.S.C. § 688 et seq. for injuries allegedly sustained while in the employ of defendant on January 15, 2003. Plaintiff was deposed on June 9, 2005. At his deposition, plaintiff admitted to having been convicted of various criminal offenses involving breaking and entering, and to having spent time in prison.

3. Penn Maritime, Inc. seeks to use information provided by the Criminal History Systems Board for the sole purpose of impeaching of plaintiff at trial.

4. Information that maybe disclosed by the Criminal History Systems Board shall not be disclosed to any unauthorized persons in violation of Chapter 6, Section 167 of the Massachusetts General. Law or 803 C.M.R. 1.00 et seq.

I declare under penalty of perjury that the foregoing statements made by me are true and correct. 28 U.S.C. § 1746.

Dated: February 1, 2006

/s/ Gino A. Zonghetti
Gino A. Zonghetti (GAZ-2647)
Kenny, Stearns & Zonghetti
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New York, New York 10004